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January 31, 2026

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Chambers: Room S905
Courtroom: 6B South

Re: Letter Motion to Withdraw Request for Trial De Novo and Enter
Arbitration Award as Judgment in *Main Street Merchant
Services Inc. v. Heyburn, LLC et al.*, No. 25 Civ. 02904 (KAM)
(ST)

Judge Matsumoto:

I write on behalf of Defendants Heyburn, LLC, Little Tacoma Construction, LLC, Peter M. Perrin, and Francis Street Investors, LLC, to respectfully request leave to withdraw Defendants' Request for Trial De Novo (ECF No. 18) and to permit the Arbitration Award entered on October 27, 2025 to be entered as the final judgment of the Court.

As reflected on the docket, this matter was referred to the Court-Annexed Arbitration Program pursuant to Local Civil Rule 83.7, and an Arbitration Award was issued on October 27, 2025. Under the applicable rules, absent a timely request for a trial de novo, the Arbitration Award becomes the final judgment of the Court. Although Defendants filed a Request for Trial De Novo on November 25, 2025, subsequent developments have led Defendants to determine that they do not wish to proceed with a trial de novo and instead consent to entry of the Arbitration Award as judgment.

Accordingly, Defendants respectfully request that the Court deem the Request for Trial De Novo withdrawn and direct that the Arbitration Award be entered as a judgment of this Court. This request is made to promote efficiency, conserve judicial resources, and bring this matter to an orderly conclusion consistent with the arbitration outcome.

My office has conferred with Plaintiff's counsel's office on the phone twice, and sent emails on January 19, 2026, January 23, 2026, and January 30, 2026, but opposing

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counsel has not respond. Thus, I do not know if Plaintiff consents to or opposes this application.

In light of that, I respectfully suggest that Plaintiff be given five days for object or the arbitration award be entered as a judgment. Defendants thank the Court for its consideration of this request and are available should the Court require any additional information.

Respectfully submitted,

/s/ David Kasell

David M. Kasell

Kasell Law Firm

Counsel for Defedants